

## REMARKS

Claims 1-4, 6-8, 12-14, and 16-19 are pending.

Applicants have amended claim 1 to incorporate the subject matter of claim 4 and cancelled claims 4 and 14 without prejudice. Applicants have amended claim 8 to comport in scope with claim 1 in its presently amended form. Claims 1-3, 6-8, 12, 13, and 16-19 will therefore be pending upon entry of the proposed amendments.

The foregoing amendments, which introduce no new matter, are being made for the sole purpose of expediting prosecution of the present application; and Applicants expressly reserve the right to pursue any cancelled subject matter in one or more continuing applications.

Claims 1-3, 6-8, 12, 13, and 16-18 are rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-8 and 10-20 of "copending US application 10/551,783" (Office Action, page 3).

Applicants respectfully disagree with the grounds for the rejection; however, for the sole purpose of expediting prosecution of the present application, Applicants have amended claim 1 to incorporate the subject matter of claim 4, a dependent claim that was not rejected on the ground of nonstatutory obviousness-type double patenting over US application 10/551,783.

In view of the foregoing, Applicants respectfully request that the rejection be reconsidered and withdrawn.

Applicant : Pairaudeau et al.  
Serial No. : 10/552,082  
Filed : October 5, 2005  
Page : 8 of 8

Attorney's Docket No.: 06275-0472US1 / 101017-1P  
US/R&I

The fee in the amount of \$1,110 for the Three Month Extension of Time is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 06275-0472US1 / 101017-1P US.

Respectfully submitted,

Date: July 2, 2010

/John T. Kendall/

John T. Kendall, Ph.D.

Reg. No. 50,680

Customer Number 26164  
Fish & Richardson P.C.  
Telephone: (617) 542-5070  
Facsimile: (877) 769-7945